United Nations A/55/1030–S/2001/824

General Assembly
Security Council

Distr.: General
28 August 2001

Original: English

General Assembly
Fifty-fifth session
Item 64
Question of Cyprus

Security Council
Fifty-sixth year

Letter dated 27 August 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 27 August 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Şafak **Göktürk**
First Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

01-52302 (E) 300801

Annex to the letter dated 27 August 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to refer to the letter dated 6 July 2001 (A/55/1012-S/2001/678) addressed to you by the Greek Cypriot representative at the United Nations and to bring to your kind attention the following:

President Rauf R. Denktaş, in his letter dated 31 May 2001 (A/55/986-S/2001/575) addressed to you, put forward lucidly the position of the Turkish Cypriot side with regard to the rulings of the European Court of Human Rights on the fourth application made by the Greek Cypriot administration and the *Loizidou* case. However, in view of the fact that the Greek Cypriot representative has made references to the above rulings in his letter, I feel compelled to reiterate our position expounded by President Denktaş.

In both of the above-mentioned rulings, the European Court of Human Rights bases its decisions on political considerations ignoring the realities and legality that prevail in the island. The European Court of Human Rights wrongfully isolated the Turkish Republic of Northern Cyprus, which has jurisdiction over the northern part of the island, from the proceedings of the Court. Instead, the Court considered Turkey, which has no jurisdiction in North Cyprus, as the party to the proceedings and concluded that she has violated certain articles of the European Human Rights Convention. In contrast, Turkey, a guarantor Power, which put an end to the bloodshed in Cyprus by its timely intervention in 1974, has done nothing but to protect the most basic human rights in the island.

The purpose of the Greek Cypriot administration in bringing such applications before the Court is to acquire a weapon that could be used to change the parameters established through the United Nations-sponsored negotiations in its favour. In the aftermath of these rulings, the Greek Cypriot leadership stated that it would only accept a solution in line with the European Court rulings, rejecting such United Nations parameters as bi-zonality, global exchange and/or compensation for the settlement of property issues which make up the pillars of a possible agreement in Cyprus.

The Court's finding on the fourth application, concerning the "Greek-Cypriot missing persons and their relatives", is unjustified. Turkey, as evident from the composition of the autonomous tripartite Committee on Missing Persons in Cyprus, which is the only competent body with a mandate to conduct an effective investigation into the fate of the missing persons, is not a party to this issue. In order to settle this issue, the Committee on Missing Persons should be allowed to complete its mandate, in accordance with its agreed terms of reference, procedures and suggestions of Your Excellency contained in your letters addressed to the two parties in 1996. It is the rejection of the above-mentioned criteria by the Greek Cypriot administration that prevents the completion of the mandate of the Committee. In the light of these facts, recourse by the Greek Cypriot administration to other channels shows that the aim of the Greek Cypriot administration is not really to determine the fate of the "missing persons", but to politically manipulate a humanitarian issue and make false propaganda at the expense of the Turkish side.

In line with this policy, the Greek Cypriot administration has been deliberately misleading the Greek and Greek Cypriot families of the missing persons, all these years, by having them believe that their loved ones were alive. Such cases have been unfolding one after the other in South Cyprus. Recently, the Greek Cypriot press carried the story of the Greek sergeant, Christos Koukoularis, who died in combat on 16 August 1974 and was buried in a mass grave at Lakatamia (South Cyprus) military cemetery about a week later. Despite the fact that this was known by the Greek Cypriot administration, it was deliberately kept secret from his family.

As regards the finding of the Court on the "homes and property of displaced persons", I would like to state that the Court disregarded the fundamental parameters, namely bi-zonality, which necessitates the settlement of reciprocal property claims through global exchange and/or compensation. The Court ruling also ignores the fact that the question of displaced persons was settled through the voluntary-exchange-of-populations agreement reached between the two sides in Vienna in 1975. In accordance with that agreement, which was implemented under the supervision of the United Nations Peacekeeping Force in Cyprus (UNFICYP), Turkish Cypriots moved to the North and Greek Cypriots moved to the South. Furthermore, the decision disregards the fact that the two sides in Cyprus have been separated by a "green line" since 1963 and by a ceasefire arrangement since 1974 reached under the auspices of the United Nations. The ruling also ignores the fact that an internationally recognized buffer zone, under the control of UNFICYP, has been established between the respective territories of the Turkish Republic of Northern Cyprus and the Greek Cypriot administration in South Cyprus.

With regard to the ruling of the Court concerning the "living conditions of Greek Cypriots" in the Turkish Republic of Northern Cyprus, I would like to stress that all Greek Cypriots are accorded the same rights as those enjoyed by other residents without any discrimination. Their living standards are on a par with those of Turkish Cypriots in the area. As also indicated in Your Excellency's report on the United Nations operation in Cyprus dated 26 May 2000 (S/2000/496 and Corr.1), all necessary measures have been duly taken by our authorities to further enhance the living standards of the Greek Cypriots residing in North Cyprus and to ensure their continued well-being.

Contrary to the Greek Cypriot representative's allegation, Turkey neither "occupies" nor has "expansionist designs in Cyprus". In fact, Turkey intervened in Cyprus, in accordance with her rights and obligations under the 1960 Treaty of Guarantee, in order to put an end to Greece's expansionist designs which culminated, on 15 July 1974, in the invasion of the island by Greece. It will be recalled that even the then Greek Cypriot leader Archbishop Makarios, in his address to the Security Council on 19 July 1974, stated that Greece had, indeed, invaded the island in July 1974.

Today it is only the Greek Cypriot administration, with the support of Greece, which has expansionist designs in Cyprus. Not a day goes by without statements by the Greek Cypriot leadership preaching invasion of Northern Cyprus and revealing their preparations towards this end. As recently stated by the Greek Cypriot leader Mr. Glafcos Clerides, *"the rearmament of Southern Cyprus continues within the framework of Greek-Greek Cypriot Joint Military Doctrine"*. (Greek Cypriot daily *Politis* dated 23 April 2001)

In view of the above, the Turkish military presence in the Turkish Republic of Northern Cyprus, in accordance with the 1960 Treaty of Guarantee, is a vital security requirement for the Turkish Cypriot people. The need for such continued guarantees can be further understood by looking at the recent history of the island. The years between 1963 and 1974 witnessed unprecedented cruelty, violence and human rights violations perpetrated by the Greek Cypriots against the Turkish Cypriot people. As a result of Greek Cypriot atrocities during those years, 103 villages had to be evacuated and 30,000 Turkish Cypriots had to take refuge in enclaves under inhuman conditions and in fear for their lives for 11 years.

As regards the reference to the "subordinate local administration", suffice it to say that the Turkish Republic of Northern Cyprus, established by the Turkish Cypriot people through the exercise of their inherent right to self-determination, is a sovereign and independent State. It is also important to note that Turkey recognizes the Turkish Republic of Northern Cyprus and respects the sovereignty and independence of this State. In fact, it is the Greek Cypriot administration which, by hanging on to its usurped title of the "government of Cyprus", is attempting to make the Turkish Cypriot State its "subordinate administration" in realization of its long-term aspiration of making Cyprus a Greek island with a Turkish Cypriot "minority".

The Greek Cypriot representative alleges that Turkey is "pursuing relentlessly the acceptance of the so-called 'realities'" created by its intervention in the island in 1974. It is clear that the Greek Cypriot representative is finding it difficult to come to grips with the fact that today's realities, namely the existence of two States in Cyprus, came about not in 1974 but in 1963 as a result of the destruction of the partnership Republic of Cyprus by the Greek Cypriot administration. This left the Turkish Cypriot side no alternative but to establish its own administration and eventually its own State. The fact that there have been two administrations in the island since the destruction in 1963 of the Republic of Cyprus by the Greek Cypriot side had also been confirmed by Mr. Glafcos Clerides in his memoirs entitled *Cyprus: My Deposition*:

> *"... Because of the disruption of constitutional order a peculiar situation was created, by virtue of which the state authority, on the one hand, came under the absolute control of the Greeks, and though the Government was recognized internationally, yet internally Turkish enclaves were created within the territory of the Republic in which, at first, an elementary organization for the purpose of governing the Turkish Cypriots were established ... The elementary military-political organization of the Turks in the enclaves developed into a Temporary Administration on the basis of a charter, and at the same time the political and military authorities were separated."*

As for the baseless claim that "120,000 settlers were imported" into North Cyprus, I would like to state that the Turkish Republic of Northern Cyprus is the only competent authority to carry out a population census in its territory. Since these data are in contrast with the publicly declared results of the census carried out by the Turkish Republic of Northern Cyprus, it cannot reveal the true picture regarding the population in this country.

Mr. Sotos Zackheos, as representative of the Greek Cypriot administration, an illegal and illegitimate administration which usurped, by force of arms, the title of the "government of Cyprus" and ordered massacres of the Turkish Cypriot people and continue to this day to impose inhuman embargoes on them, has the audacity to

talk about "the rule of law" and "the true interests of" the Turkish Cypriot people. The fact that the Greek Cypriot side brands as "unacceptable preconditions" any position that would guarantee the legitimate and equal sovereign rights of the Turkish Cypriot people reveals the contempt of the Greek Cypriot administration for the rule of law and the rights and interests of the Turkish Cypriot people.

The Greek Cypriot administration, which claims that "the primary focus should be on intensifying the efforts for finding a just and workable solution", is, instead, having recourse, through exploitation of its false title of the "government of Cyprus" to such forums as the European Court of Human Rights in order to destroy the basis for such a settlement. We trust that you will do your utmost to impress upon the Greek Cypriot administration the necessity to cease all such activities that hamper your efforts towards a just and workable settlement. The Government of the Turkish Republic of Northern Cyprus believes, as three decades of negotiations have shown, that any approach to a settlement in Cyprus which is divorced from the historical, legal and political realities of the island would fail.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus